

November 4, 2013

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Mayor Lecklider called the Monday, November 4, 2013 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Lecklider moved to adjourn to executive session to discuss land acquisition matters (to consider the sale or purchase of property for public purposes) and legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action).  
Vice Mayor Salay seconded the motion.  
Vote on the motion: Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Mrs. Boring, yes.

The meeting was reconvened at 7:08 p.m.

**PLEDGE OF ALLEGIANCE**

Veterans from the local chapters of VFW and the American Legion led the Pledge of Allegiance.

**ROLL CALL**

Council members present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.  
Staff members present were Ms. Grigsby, Ms. Readler, Ms. Mumma, Mr. McDaniel, Chief von Eckartsberg, Ms. Ott, Ms. Puskarcik, Mr. Hahn, Mr. Wagner, Mr. Langworthy, Mr. Thurman, Mr. Goodwin and Ms. Husak.

**SPECIAL PRESENTATION/PROCLAMATIONS**

- Dublin Jerome High School Girls Golf Team – Division I State Champions  
Mayor Lecklider stated that Dublin Jerome High School again has the distinction of winning state titles for both the boys and girls golf teams in the same season. He presented a proclamation recognizing the Dublin Jerome High School Girls Golf team for their win of the Division I Girls State Championship on October 19, 2013. Members of the team present were: Lexie Toth, Sybil Robinson, Maite Erana, Mariana Erana, and Reagan DiIoro. Mayor Lecklider congratulated the team and their Head Coach, C.D. Butcher on this outstanding achievement.  
Coach Butcher, noted that in addition to their athletic achievement, the combined GPA of the girls is currently 4.1.
- Dublin Jerome High School Boys Golf Team – Division I State Champions  
Mayor Lecklider presented a proclamation recognizing the Dublin Jerome High School Boys Golf team for their third consecutive win of the Division I Boys State Championship on October 18 and 19, 2013. The state championship is the Celtics' sixth in their program's ten-year history. Members of the team present were: Brady Bohl, J.D. Fletcher, Jack Herceg, Grant Lewis and Adam Stephens. Mayor Lecklider congratulated the team and their Head Coach, Craig Zesiger on this outstanding achievement.  
Coach Zesiger thanked Council for recognizing the achievements of these student athletes.
- Veterans Week – November 4-11, 2013  
Mayor Lecklider presented a proclamation in recognition of Veterans Week to local veterans who were present at the meeting. He noted that the Wesley G. Davids American Legion Post 800 invites veterans and their families to a breakfast at 9 a.m., hosted by La Chatelaine in Historic Dublin and ceremonies to follow at the Grounds of Remembrance in Dublin Veterans Park on Monday, November 11.

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- Recognition of David Hinds, Ohio Veterans Hall of Fame Inductee

Mayor Lecklider stated that the Ohio Veterans Hall of Fame will induct 15 new members, including Dublin resident David Hinds in a ceremony to be held on Thursday, November 7, 2013 at Veterans Memorial Auditorium in Columbus, Ohio. Mr. Hinds was awarded three Purple Hearts and other citations in a distinguished military career in the U.S. Marine Corps. His military service has been followed by significant community service, as well. On behalf of City Council, Mayor Lecklider thanked Mr. Hinds for his outstanding service and lifelong dedication to his country and congratulated him on this well-deserved recognition.

Mr. Hinds expressed his deep appreciation to Council and the City for tonight's recognition.

### CITIZEN COMMENTS

Wallace Maurer, 7451 Dublin Road, Dublin, Ohio again expressed his opposition to the City's commitment to the Top Gun Football Camp for next year. He does not anticipate the City will rescind the offer to those coaches to hold their event in Dublin, but he does protest the amount of tax money being used for that event. He believes the solution to the potential health impacts of football on these youth is to tell others of this risk. He is concerned about his community and the community at large.

Mrs. Boring requested staff clarification about the type of taxes being used to fund this event.

Ms. Grigsby responded that hotel-motel tax funds would be utilized for this support.

Mrs. Boring noted that these taxes are paid by visitors who stay in Dublin hotels. She asked if the City or the Dublin Convention and Visitors Bureau (DCVB) had made the arrangements.

Ms. Grigsby responded that DCVB had been working with the Top Gun organization.

Mr. Maurer thanked staff for the clarification.

Randy Roth, 6987 Grandee Cliffs Drive, Dublin, Ohio, President of East Dublin Civic Association, stated that he is actually speaking for himself – not the Association – tonight regarding the bond legislation on tonight's agenda for the Bridge Street plan. He is concerned that the City has not really built a broad consensus of support for this plan. What he has heard is a lot of dissent within the community. Many of the residents admire the willingness of Council and the staff to think boldly about the future. They appreciate the work they have done. The trouble that people are having is with the density, the number of multi-family units planned, most of which will be in east Dublin. Other issues are aesthetics and scale of the buildings. In reviewing the plans, instead of taking advantage of the contours of the hill along Riverside Drive, the highest buildings are located immediately to the front, overwhelming it. Dublin has many traffic problems, and the residents have concerns about traffic. He served on the Traffic Transportation Task Force, along with Mr. Gerber, in the mid 1990s. They worked very hard to determine how big a city Dublin could be and what kind of densities could be tolerated. He understands the City is trying to transition to a new concept where people will not commute as far to work and trying to become a more pedestrian-friendly City. However, in their previous work, the numbers did not work at a 60,000 population. For that reason, the projections were capped at 50,000. The reason that transportation plan was good is because it was citizen driven, including engineers who were good generalists, two mathematical modelers, and some very well informed citizens. They had great consultants and staff supporting the task force. They all realized that they had come up with a better product by working together than they could have achieved separately. Every time those who were not staff or consultants concurred and requested that an alternative scenario be considered, the task force proved to be right. They had the expertise needed, and they worked together for their town. The staff and consultants certainly deserve the most credit for that plan, but the citizens were in charge. The problem is that when the City tweaks the Community Plan in a way different from the previous sub-committee procedure, it

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is harder to build consensus and identify problems. More than anything else, that earlier process built trust. This Bridge Street Plan has been handled differently, and that has raised many problems. Many of his neighbors are now experiencing "sticker shock." They do not understand how this plan can work without widening Riverside Drive to four lanes. The traffic plan with the first Community Plan indicated that would be necessary if the traffic were not controlled. How much would that cost the City? Furthermore, SR 161 cannot be widened – that will never occur. Dublin does not control its destiny in terms of these roads, nor does Dublin control the land uses outside the city. A Target store is being built immediately to the northwest on Sawmill Road, as well as a WalMart. Dublin has no control over those zonings, those densities, or the traffic volumes that will result.

Brett Page, 7638 Kelly Drive, Dublin, Ohio stated that he agrees with most of what Mr. Roth has shared. He does appreciate the amount of time the City has given to this planning process – City Council, the Planning Commission and other commissions working collaboratively, and gathering input from as many people as possible for such an important issue impacting the long-term development of the city. He decided to build in Dublin on the east side because he and his wife wanted their four boys to grow up in Dublin. The density issue is of concern to him, because it impacts what the City will be for years to come. He noted that he is excited about many aspects of what is proposed for the Bridge Street Corridor District.

Bob McKnight, 7775 Riverside Drive, Dublin, Ohio stated he is Vice President of the East Dublin Civic Association. He lives along the Scioto River, and it is the best, premier natural resource in the City of Dublin. Council is smart to take advantage of this resource in the Bridge Street plan, but the Plan that "came to light" last February is so different from everything ever heard or seen in the City of Dublin that the Association was dumbfounded and has remained in that state all year. Riverside Drive was a gateway, they were told previously, and there was discussion of 200-foot setbacks for residences. What is now being considered is 25 feet setback to a wall 40-70 feet in height with residential/commercial and hotel/convention buildings. Moreover, greenspace is lost on one side of the road and the other will have overdeveloped buildings – 25 acres of land, with 140,000 square feet of office, a 196-room hotel, a 40,000 square foot convention center, 90,000 square feet of retail, a 2,875 car garage, and nearly 1,200 residential units – most of them one bedroom. Does Council know of a single person who is desirous of living in a one-bedroom apartment? People will want an office or a room for a visitor. Are these units being planned for people who cannot afford another 150 square feet? How long will it be before the Columbus Metropolitan Housing Authority will come in to rescue the project or the Columbus Shelter Board place indigents in this location? Why have a convention center in this location when all the other hotels are located near Metro Center? He has heard there will be a \$13 million pedestrian bridge so people can walk to Historic Dublin. With ten new restaurants in East Dublin, why walk across the bridge? How do people get to and from the bridge? A development consultant commented last week that the City would likely need to install a crosswalk. So the City plans to install one of the largest and busiest roundabouts in the state of Ohio at the Riverside/161 intersection, and then stop traffic for a crosswalk, resulting in backups into the roundabout. The intersection is functioning perfectly, and now the City plans to construct a \$4 million roundabout and has spent \$5.35 million in land acquisition costs. How long will the roundabout take to construct and will Riverside Drive be usable during the construction? What is the alternative route – Sawmill Road with its significant traffic? The river is a huge asset, but he does not believe it should be depreciated in this manner. He urged Council to stop the expenditures and not to authorize bonds to build more than what has already been spent on this.

Scott Haring, 3280 Lilly Mar Court, Dublin, stated that although his neighborhood has been exempted from the Bridge Street Corridor plan, the back of his property does



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about some R12 development that currently is the most dense in the City. He attended the OCLC forum two weeks ago. He was so surprised that he was rendered speechless. He did not realize this project had moved forward to this extent. Two years ago, he attended a public event at Wendy's. The plan at that time was very preliminary. Over the 15 years he has lived in Dublin, he has attended some Planning and Zoning Commission meetings, and every time that a development is proposed, there has been great discussion about the open space. However, all he has heard with the Bridge Street District plan, especially east of the river, is that there is intense density. That seems a mismatch for him. He did notice the newspaper reports regarding the land acquisition -- \$2 million for the fast food restaurant, and millions more for the shopping center and the driving range. The City is spending large amounts of money very quickly. At the OCLC public meeting, he viewed the information concerning four to six-story buildings, with high density and walkability. Although there was some commercial development within that Bridge Street Corridor east of the river, if there are 1,000 to 3,000 new housing units, he cannot envision that all of those people will walk to work. As his neighbors have shared, him, the traffic impact will be significant in a corridor that is already congested. If all this development occurs, there will be significant impacts to Riverside Drive -- a state highway and a necessary corridor to the north. In the presentation two weeks ago, the message heard was that everyone would step out of their apartment, cross the street and be at the new park. That does not add up for him. The City already has Kiwanis Park, which is an access point to the river south of SR 161; frequently, he sees people accessing the river underneath the I-270 Bridge; there is the Scioto Park along the river; and there is a new park further north. He has a hard time believing that this quadrant of the City is really in need of more parkland, and that millions of dollars will be spent to re-locate a state highway and all these utilities. His is an overarching request -- that Council make sure this is being done right. That is what he hears from all his fellow citizens tonight. Two years ago, looking at the preliminary plans, he thought it was "daring to be so bold," but now he is a little scared, as reality looms. In summary, he asks that Council carefully consider this plan.

## **SPECIAL RECOGNITION**

Chief von Eckartsberg noted that Officer Mike Keck will retire next week after 33 years of service. He has the honor of being the longest-serving member in the history of the Dublin Division of Police. Officer Keck began employment with the Division in 1980, when the City of Dublin was still a Village of less than 4,000 and the Police Department had 12 officers. There was a common vision at that time, and they all knew that there were great things on the horizon for the Village of Dublin. Officer Keck was one of Dublin's first traffic enforcement officers, one of its first motorcycle officers and the lead range instructor for many years. He was primarily responsible for having the firing range set up and functioning downstairs in the current facility. Officer Keck and his wife Claudia have raised their son, Matt and daughter, Melissa in this community. Officer Keck could be described as "stoic and old school," and his stoic, old school attitude has been a calming influence for many years for the Division's younger officers. He invited everyone to a special recognition ceremony for Officer Keck on Thursday, November 14 at the Justice Center courtroom.

Officer Mike Keck stated that he is honored that Council would take time tonight to recognize him. He is deeply appreciative.

Mayor Lecklider thanked Officer Keck for his service.

Mr. Keenan stated that there were less than 4,000 people in Dublin in 1980. He is certainly glad that the Division has continued to grow to serve its increased population. He thanked Officer Keck for his service over all these years.

**CONSENT AGENDA**

Mayor Lecklider noted that three items are proposed for action on the consent agenda. He asked whether any Council member requests removal of an item for further consideration under the regular agenda.

Hearing none, Mayor Lecklider moved approval of the three items on the consent agenda.

Mr. Reiner seconded the motion.

Vote on the motion: Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes; Mrs. Boring, yes; Mr. Gerber, yes.

- **Ordinance 85-13 (Introduction/first reading)**

Adopting the Annual Operating Budget for the Fiscal Year Ending December 31, 2014. (Finance Committee of the Whole operating budget workshops on November 6 and 20; second reading/public hearing December 9 Council meeting)

- **Resolution 65-13 (Introduction/vote)**

Authorizing the City Manager to Enter into an Agreement with the Franklin County Sheriff's Office to Participate in the 2014 Franklin County DUI Task Force.

- **Approval of Final Plat – Links at Ballantrae (Case 13-057FDP/FP)**

**SECOND READING/PUBLIC HEARING/VOTE - ORDINANCES**

**Ordinance 81-13**

**Authorizing the City Manager to Enter into a Contract for Health Services with The District Advisory Council of the Franklin County General Health District for 2014.**

Ms. Grigsby stated that this is the annual contract renewal with the Franklin County Board of Health. They provide public health services to the City of Dublin, including the portions within Franklin, Union and Delaware counties. There is a three percent increase in the 2014 fees, which is discussed in the staff memo. The mosquito control and management program is covered under a separate, three-year contract, which is scheduled for Board of Health approval later this month.

Vote on the Ordinance: Mr. Reiner, yes; Mr. Keenan, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes.

**Ordinance 82-13**

**Authorizing Modifications to the City's Investment Policy.**

Ms. Mumma stated that, as indicated at the October Finance Committee meeting, she has been working with Dennis Yacobozzi, president of United American Capital Corporation (UACC) and the City's investment adviser on modifications to the City's investment policy. Many of the policy changes proposed are clarifications based on existing market conditions, and some changes necessary to make it consistent with Ohio Revised Code. Other notable changes include the following:

1. When the City is investing in commercial paper, the restriction is made more stringent. Those companies are required to have the highest rating by two nationally recognized rating agencies.
2. There is a change to the distribution that the City can have in commercial paper and banker acceptances.
3. It limits the amount the City can invest with a single issuer to no more than five percent of the overall portfolio, as opposed to the current \$1 million limit.
4. It allows for the investment in any other State of Ohio program, such as the newly created Star Plus and any other programs that the Treasurer of State may offer in the future.

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5. It allows the City to purchase bonds or other obligations of the state or other political entities of the State of Ohio, as long as they are at least AA rated.
6. It clarifies that any broker dealers cannot act as investment advisers to the City if they are participating in the purchase or sale of securities, avoiding any conflict of interest.

As requested by the Finance Committee, staff will incorporate in future quarterly updates any notable changes in investment holdings or strategies, and periodically address any recommended policy modifications with Council.

Vote on the Ordinance: Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes.

## **Ordinance 83-13**

### **Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.138 Acres, More or Less, Present Road Occupied Fee Simple Interest from Robin R. Campbell.**

Ms. Grigsby stated that there were no changes from the first reading.

There were no questions.

Vote on the Ordinance: Mr. Keenan, yes; Mayor Lecklider, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Gerber, yes; Vice Mayor Salay, yes; Mrs. Boring, yes.

## **Ordinance 84-13**

### **Amending Section 153.066 of the City of Dublin Codified Ordinances (Zoning Code) to Modify the Bridge Street District Approval Process.** (Case 13-095ADM)

Mr. Goodwin stated that the first reading of the proposed amendments to the Bridge Street District review and approval process occurred at the October 28 Council meeting. During that discussion, Council requested additional information about the role of the Architectural Review Board in the approval process. That triggered additional discussion about the current appeals process, as written in the Code. The Law Director's office has provided a memo outlining the appeals process, and Ms. Readler is prepared to provide an overview of that process.

Ms. Readler stated that at the last Council meeting, there was some discussion about recourse for an aggrieved applicant in the Bridge Street District. There was significant discussion when this process was adopted regarding the need to have a "safety valve" in place in this District so that there are limited timelines for review and the option to have an appeal heard by City Council prior to it being sent to Common Pleas Court. She reviewed the current process in place.

- Whenever a reviewing body – the Planning and Zoning Commission, Architectural Review Board (ARB) or the Administrative Review Team (ART) – disapproves an application, that party has the right to appeal. First, the appeal goes to the Board of Zoning Appeals (BZA). The BZA does hear administrative appeals, so the Board is familiar with these types of cases. Another layer of review is in place, so that every appeal does not come to Council. There are time limitations. There is a 20-day time limit for BZA's review.
- Once the BZA makes a decision, an appeal may be filed within 10 days with City Council. Council's decision to hear the appeal is discretionary. Should Council decide to hear the appeal, there would a full hearing at a subsequent meeting date. Council would hear the full evidence and have the authority to affirm, reverse or modify the decision.
- From that point, the case could go to Common Pleas Court.

City Council does have final review of any decision of any reviewing body for the Bridge Street District. Since the time the Bridge Street Code was adopted, no appeals have been filed in this process. It is best to have a consistent appeal process for all



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reviewing bodies, but Council can modify that, if they so choose.

Vice Mayor Salay inquired if that hearing would take place during a regular Council meeting, or would a special meeting be necessary to hear that matter.

Ms. Readler responded that either process would be appropriate.

Mr. Gerber asked for confirmation that Council would not be bound by any prior decision of a board or commission.

Ms. Readler responded that Council would have complete latitude. The review criteria provides Council with complete authority to modify the decision. Council is not constrained to the existing record.

Mr. Keenan asked if there are *ex parte* rules that apply.

Ms. Readler responded that whenever the members are acting in an administrative capacity, the *ex parte* rules would apply.

Mr. Keenan inquired if such rules would apply to Council, as well, if the case is appealed to them.

Ms. Readler responded affirmatively.

Vice Mayor Salay inquired at what point the *ex parte* rule would be applicable – after the time the appeal is filed?

Ms. Readler responded that her opinion is that the *ex parte* rule would be applicable when the initial appeal of the BZA decision is filed with the Clerk of Council.

Mr. Gerber stated that he will support Ordinance 84-13 as it will provide a forum for public input.

Vice Mayor Salay agreed. She encourages those individuals who spoke tonight to remain engaged in the Bridge Street process. This process has been underway for a number of years and it is surprising at this point that the public has significant issues with what is planned. It is important to hear from citizens throughout the process.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Mr. Gerber, yes; Mr. Keenan, yes; Vice Mayor Salay, yes.

**INTRODUCTION/FIRST READING – ORDINANCES**

**Ordinance 86-13**

**Amending the Annual Appropriations for the Fiscal Year Ending December 31, 2013.**

Vice Mayor Salay introduced the ordinance.

Ms. Mumma stated that this is standard legislation that is brought forward at the end of each fiscal year. It appropriates the funds received through service payments into the Tax Increment Financing funds, where the City pays for improvements that have been authorized, either for the Capital Improvements Program or through separate legislation. All of the appropriations are outlined in the cover memo provided. Other items of note are:

- This ordinance also appropriates funds related to the 2012 Debt Issuance, which allowed funding to be used to manage the bond proceeds to be paid for through interest earnings.
- An adjustment was made to account for the debt payment on the Dublin Road water tower and sewer lining that will occur in December 2013.
- This ordinance also authorizes additional payments to the Dublin Convention and Visitors Bureau. The payments are directly from the hotel-motel tax fund. That revenue source exceeded the projected revenue for the year, resulting in more funds being provided to the DCVB.

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Staff requests that Council dispense with the public hearing and approve the legislation.

Ms. Chinnici-Zuercher asked about Section 35. If there has been an increase in the hotel/motel tax revenues, is the Dublin Arts Council impacted, as well?

Ms. Mumma responded that the DAC has a set amount of funding provided within their lease agreement, which is different from the percentage calculation the DCVB receives.

Ms. Grigsby clarified that the DAC lease agreement provided for a projected 25 percent, so it is a fixed amount based upon the estimate at that time. It was a guaranteed amount for the DAC, whereas the DCVB funding is based upon the actual amount of hotel-motel tax revenues received.

Mr. Keenan added that at the time, the DAC desired a guaranteed amount of revenue to support the lease payments, and the City agreed to this. The lease payments escalated each year throughout the term of the agreement.

Ms. Grigsby agreed. That is why the DAC wanted a guarantee of the monies paid from the hotel-motel tax funds each year versus a flat percentage of the actual revenues.

Mr. Gerber asked about Section 29, which provides \$800,000 to be appropriated for professional services. Have those expenses already been incurred?

Ms. Mumma responded that a portion of that has already been expended through the contract with MKSK for some of the design work that is continuing and that relates to all of the improvements within the Bridge Street District.

Mr. Gerber asked if contracts of that magnitude are reviewed by Council.

Ms. Grigsby added that for this item, a memo was prepared in May identifying the plans to have a primary consultant overseeing and coordinating the various disciplines that were reviewing portions of the Bridge Street District. Typically, professional services agreement are not brought to Council for review; the funding for these agreements is approved by Council in either the project in the Capital Improvements Plan or in the operating budget.

Mr. Keenan added that these professional services contracts are not currently reviewed by Council, but they could be – if Council desires.

Ms. Grigsby responded that the Code sections that address this would need to be amended to provide for that. In this case, because staff was aware of the size of the contract and importance of the project, staff provided information to Council prior to entering into this professional services agreement.

Mr. Keenan stated that there have been issues in the past with professional service providers in Dublin who have not have an opportunity to work for the City.

Ms. Chinnici-Zuercher added that she has not heard such comments recently, but three to four years ago that was an issue – primarily in the engineering area.

Mr. Gerber stated that at a certain dollar level, it seems that Council should be reviewing these agreements. It is not a question of the consultant selected or the type of work they are doing, but this is nearly a million dollar contract with staff approval. He recalls a memo being provided about this contract, but nonetheless believes these should be vetted by Council.

Vice Mayor Salay commented that perhaps the issue should have been brought forward at the time the memo was provided.

Mr. Gerber stated he does not recall if that memo had a dollar amount identified.

Ms. Grigsby noted that the memo indicated the professional services would be up to \$1 million. This includes services related to the four main projects and the other impacts of the roadway to the private improvements, and so it is a significant professional services agreement.

Mr. Keenan asked if Council could have a copy of the contract for the next meeting.

Ms. Grigsby responded it would be provided to Council.



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Mrs. Boring suggested that in the budgeting cycle, a limit could be imposed on professional service contracts.

Ms. Grigsby responded that staff provided the memo to Council regarding this contract because at that time, the funds had not yet been appropriated.

Mr. Keenan moved to dispense with the public hearing.

Mr. Reiner seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

Vote on the Ordinance: Mr. Keenan, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes.

**Ordinance 87-13**

**Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$12,000,000 for the Purpose of Paying the Costs of Improving the City's Vehicular Transportation System, Including Emerald Parkway, by Constructing, Reconstructing, Extending, Opening, Widening, Grading, Draining, Curbing, Paving and Resurfacing, and Site Preparation, Installing Lighting, Gas, Electric and Communications Facilities, Sanitary Sewer, Storm Sewer and Water Improvements, Signage and Signalization, Sidewalks and Bikeways, Streetscaping, Landscaping and Aesthetic Improvements, and Acquiring Interest in Real Estate Therefor, Together with all Incidental Work and Related Appurtenances Thereto, and Declaring an Emergency.**

Vice Mayor Salay introduced the ordinance.

Mayor Lecklider asked for clarification that there will be second readings of the bond related ordinances at the November 18 meeting.

Ms. Mumma responded that Ordinances 87-13, 88-13, 89-13 and 90-13 will have a second reading/public hearing on November 18.

Ms. Mumma stated that Ordinance 87-13 provides funding of up to \$12 million for construction of the remaining portion of Emerald Parkway from Riverside Drive to Sawmill Road (Emerald 8). Design was substantially completed in 2010 and staff has been working on right-of-way acquisition over the past couple of years. The relocation of utilities along Bright Road is currently underway so that construction can begin immediately upon award of the construction contract. This debt will be issued for 20 years and will be repaid from service payments received within the Kroger and McKittrick tax increment financing funds.

Ms. Chinnici-Zuercher stated that the Finance Committee will meet on Wednesday evening to review these four ordinances and will make recommendation to Council for the second reading.

Mr. Keenan requested information regarding the itemized costs of the bond issuances, including those related to the bond counsel.

Ms. Mumma stated that staff will provide that to Council. They have been working on all four bond ordinances, which include a Build America Bond (BAB) refunding.

Currently, they are estimating the cost to be under one percent of the overall bond issuance. The package as structured today is approximately \$38 million.

Mr. Keenan stated that the BAB would be different from a normal bond issue. He would like information on the BABs, and a separate memo on the others, as they are all similar.

Ms. Mumma stated when staff considered the costs, based on Mr. Keenan's request made today, they were looked at it in terms of not refunding the BABs. The incremental costs of refunding those bonds are very small compared to the overall project. This information will be provided by Wednesday, if possible, or prior to the second reading on November 18.

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Mr. Keenan also requested the timeframe for the expenditures – from the time the bonds are issued until the time the funds are disbursed – for each bond issuance. Also, if there is arbitrage on those, what is the interest the City will earn, as that money will be held before it is spent? What does it cost the City, i.e. is there a gain or loss for the City?

Ms. Chinnici-Zuercher stated that if this information cannot be provided by Wednesday, perhaps a later date is needed for the Committee review. The goal is to have the responses to all of the items Mr. Keenan has outlined so that a comprehensive discussion can take place on Wednesday.

Ms. Mumma stated that she has a good sense of all of the expenditures as well as the timing of the payouts. Emerald Parkway Phase 8 contract will be awarded in December and the construction draws will then begin on the bond funds.

Mr. Keenan requested information about the timeframe required for the projects that are being funded with the bonds.

Mr. Gerber stated that these four ordinances could be discussed on Wednesday at the Committee meeting and can be carefully reviewed at that time.

Mrs. Boring noted that Ordinance 87-13 is very important to many people in the community, including the business community, in terms of the completion of the Emerald 8 Project. Many have waited for this for a long period of time and this bond issuance needs to proceed.

Mr. Gerber stated that he recognizes the importance of this as well. He believes the Finance Committee is the appropriate forum in which to review this legislation.

Mr. Reiner stated he is interested in knowing the completion date of the projects, if that information is available.

Ms. Chinnici-Zuercher stated that all of this review could take place within the period of time prior to the second reading on November 18. Perhaps these bond ordinances could have been reviewed by the Finance Committee at the outset to allow for a more detailed review.

Ms. Mumma added that it is always staff's intent to bring this type of matter to a Finance Committee meeting and there was a Committee meeting on October 14. She met with the financing team later that week and in their working process, they identified tax advantages to be gained by having part of the bond issuance settle in 2013 and part settle in 2014. In the future, they will plan for review by the Finance Committee in their timeline.

Mr. Keenan requested information on debt capacity for the City. Was there any consideration of using cash reserves for any of these projects?

Ms. Mumma responded that for the roadway improvements funded relative to the Bridge Street Transportation network, funds have already been expended from the General Fund and funds have been advanced from the Capital Improvement Fund for those upfront expenditures. Approximately \$3.3 million was spent in June for the right-of-way acquisition at Bridge Pointe. This bond issue will reimburse the City for those expenditures. The other component is for the Wendy's restaurant acquisition, and the purchase agreement calls for closing by June 2014.

Mrs. Boring asked if a formal referral to the Committee is necessary.

Ms. Grigsby stated that is not necessary, as the meeting notice and agenda have already been sent out for Wednesday's Committee meeting.

There will be a second reading/public hearing at the November 18 Council meeting.

**Ordinance 88-13**

**Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$9,000,000 for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$9,000,000 for the Purpose of Paying the Costs of Improving the City's Vehicular Transportation System, Including the Interchange at I-270, U.S. Route 33 and State Route 161, and U.S. Route 33 Between I-270 and Avery-Muirfield Drive, by Constructing, Reconstructing, Extending, Opening, Widening, Grading, Draining, Curbing, Paving and Resurfacing, and Site Preparation, Installing Lighting, Gas, Electric and Communications Facilities, Sanitary Sewer, Storm Sewer and Water Improvements, Signage and Signalization, Sidewalks and Bikeways, Streetscaping, Landscaping and Aesthetic Improvements, and Acquiring Interests in Real Estate Therefor, Together with all Incidental Work and Related Appurtenances Thereto, and Declaring an Emergency.**

Vice Mayor Salay introduced the ordinance.

There will be a second reading/public hearing at the November 18 Council meeting.

**Ordinance 89-13**

**Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$5,700,000 for the Purpose of Paying the Costs of Improving the City's Vehicular Transportation System, Including within and Serving the Bridge Street District, by Constructing, Reconstructing, Extending, Opening, Widening, Grading, Draining, Curbing, Paving and Resurfacing, and Site Preparation, Installing Lighting, Gas, Electric and Communications Facilities, Sanitary Sewer, Storm Sewer and Water Improvements, Signage and Signalization, Sidewalks and Bikeways, Streetscaping, Landscaping and Aesthetic Improvements, and Acquiring Interests in Real Estate Therefor, Together with all Incidental Work and Related Appurtenances Thereto, and Declaring an Emergency.**

Vice Mayor Salay introduced the ordinance.

There will be a second reading/public hearing at the November 18 Council meeting.

**Ordinance 90-13**

**Providing for the Issuance and Sale of Bonds in the Principal Amount of \$12,500,000 for the Purpose of Refunding Bonds Previously Issued by the City for the Purpose of Paying the Costs of Various Public Infrastructure Improvements, and Declaring an Emergency.**

Vice Mayor Salay introduced the ordinance.

There will be a second reading/public hearing at the November 18 Council meeting.

Mayor Lecklider added that the four ordinances related to bonds will be discussed by the Finance Committee on Wednesday, November 6 and they will make recommendation to Council for the November 18 meeting.

**Ordinance 91-13**

**Modifying Sections 153.057 and 153.058 of the City of Dublin Codified Ordinances (Zoning Code) to Amend the Bridge Street District General Purpose and BSC District Intent. (Case 13-095ADM)**

Mr. Gerber introduced the ordinance.

Mr. Goodwin stated that this is a follow-up to Ordinance 84-13, which was approved earlier this evening by Council. Sections 153.057 and 153.058 are essentially the introductory sections to the Bridge Street District Zoning Regulations within the Code. The bulk of the proposed amendments to these sections resulted from the review by the Planning and Zoning Commission of Section 153.066 – "Review and Approvals Procedures." During that review process, as noted at the first reading of Ordinance 84-13, the Commission wanted to ensure there was a sufficient level of review criteria



that allowed all reviewing bodies make sure that the development proposal is achieving the overall intent and vision established for the Bridge Street District plan – in addition to the very prescriptive zoning requirements outlined throughout the BSD Code. As part of that discussion, the Commission suggested adding a level of review guideline entitled, "Principles of Walkable Urbanism." He thanked Commissioner Taylor, who proposed this and spent considerable time researching information for the first draft of these principles. Staff and the Commission then worked together on the appropriate language and arrived at a set of guidelines that staff ultimately believed fit better within the General Purpose, the first section of the Bridge Street Code, because the guidelines are so overarching. Staff therefore proposes adding those to Section 153.057 and including a reference to them in 153.066. With these changes, any of the required reviewing bodies reviewing a development proposal within the Bridge Street District – in addition to all the other review criteria outlined in Section 153.066 – also have this set of review criteria or guidelines in the original General Purpose section of the Code for reference.

The principles are divided into four categories:

- (1) General Principles;
- (2) Streets, Parking and Transit;
- (3) Open Space; and
- (4) Buildings.

In total, the principles include 17 guiding statements that allow the required reviewing body to assess the overall quality of an application and the degree to which it achieves the City's planning goals, in addition to the detailed requirements of the Code.

Other minor proposed amendments reference the Dublin Community Plan, and the most current version of Bridge Street District plans is included in the Community Plan.

Mr. Reiner thanked the Commission for including the principles of walkable urbanism. It rounds out the entire concept of the Bridge Street Corridor. This was missing in the previous version. The Commission has done an excellent job with these amendments.

Mr. Gerber asked about density, noting it is not mentioned. Is the Community Plan relied upon for this guidance? How does that tie in?

Mr. Goodwin responded that the Community Plan addresses density; it is one of the 10 Land Use principles included within the Land Use section of the Plan. That principle indicates that density is a very important aspect in considering new development proposals. The real issue is to ensure that the new development is of high quality, regardless of the density. It is not about the number as much as the overall outcome of the development.

Mr. Gerber responded that he often hears developers reference the Community Plan for guidance regarding densities for development. That was always a major issue for them. It sounds like the City is now focusing on other important issues.

Mayor Lecklider noted that there will be a second reading/public hearing at the November 18 Council meeting.

#### **INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS**

##### **Resolution 66-13**

**Authorizing the City Manager to Enter into a Collective Bargaining Agreement with United Steelworkers of America Regarding Wages, Hours, and Terms and Conditions of Employment for Employees within the Maintenance Worker, Auto Mechanic I, and Custodial Worker Bargaining Unit.**

Vice Mayor Salay introduced the resolution.

Mr. Wagner stated that the key economic terms of the agreement are outlined in the memo. Staff is currently undertaking a final proofreading prior to printing the

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document for execution by the parties. It will be provided in the November 18 packet. He offered to respond to any questions.

Mr. Keenan noted that he has not previously aware of having a signing bonus in such a contract. Is this something new?

Mr. Wagner responded that this is actually an incentive. It may be something new for the City, but he has used this incentive previously for other contracts.

Mr. Gerber asked what is being incentivized.

Mr. Wagner responded this was an incentive offered to encourage signing the agreement.

Mr. Keenan noted that it is essentially a one percent wage increase.

Ms. Grigsby stated that the City negotiating team reviewed this in the context of the overall compensation plan and the pay rate. It is similar to the lump sum payments to employees that have been made in the past that were effective at the beginning of the year.

Mr. Keenan inquired if this is essentially a "catch up."

Ms. Grigsby responded that it is part of the negotiation process that took place in order to come to the terms that are listed in the percentage of pay increases for each of the three years.

Mayor Lecklider stated that staff has requested that action on this item be postponed to the November 18 Council meeting in order that the final agreement can be produced and printed.

Vice Mayor Salay moved to postpone Resolution 66-13 to the November 18 Council meeting.

Mr. Reiner seconded the motion.

Vote on the motion: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes.

**OTHER**

- Items of Interest – Community Services Advisory Commission

Mr. Hahn stated that a staff report was provided that outlines the Community Services Advisory Commission's (CSAC) suggestions for assignments for this commission.

Ms. Chinnici-Zuercher stated that Council has previously discussed the role of its various boards and commissions. She was surprised that for the majority of the items, it indicates that CSAC would review and provide feedback to staff on a document created by staff. Council has endeavored to appoint members who have interest and expertise in these areas, and the intent was that the CSAC members would be involved in the actual research together with staff. They would be active participants in bringing information to their colleagues, with the support of staff, as opposed to the staff doing all the work. The intent was to engage the commission members in a more active role than has been done historically.

Mr. Reiner stated that it was his impression, as well, that the Commission members would dedicate some of their meeting times for conducting research, perhaps breaking into subcommittees for some of the tasks. Instead of retaining consultants for projects, the Commission members would take on some of the specialty items, such as the "geocaching mapping" item. One of the foremost authorities on that topic resides within the Dublin community and could provide a great deal of information. He would like to hear their feedback and direction on how the City could perfect the different ideas. Climbing walls were mentioned on the list. Those were also mentioned in one of the presentations on the Bridge Street Corridor – there are quarries within the Scioto River area. He would be interested in having CSAC review existing areas where the

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climbing walls could be developed at a more reasonable cost. Perhaps they could provide information on a potential area and cost for that project.

Mrs. Boring inquired about the proposed "*geocaching mapping and registration*" item. Staff's memo states that, "As part of CSAC's assignment, the Commission would research mapping/registration best practices and recommend a process and associated policies." Also, for the "*river trail*" item, the memo states: "As part of this assignment, CSAC would research, discuss and bring forward recommendations ..." Those are items for which the Commission seems interested in conducting the research. With the other items, it appears that the Commission is asking staff for a report on items staff has already worked on, such as the *baby boomer strategic plan*. It seems that they will be working together on these items, with the Commission doing the research for two of the items.

Ms. Chinnici-Zuercher responded that those are the only two items where that is the case. For the others, staff would be conducting the necessary research.

Mr. Gerber agreed. With the *DCRC space needs analysis*, staff will engage a consultant, and with the *baby boomer strategic plan*, "staff has been working on ... a strategic plan..." and with the *bicycle friendly community initiatives*, staff is "reviewing feedback from the League of American Bicyclists."

Mr. Keenan asked if Mr. Hahn believes those projects need to be staff driven because they are not receiving input from CSAC at this point.

Mr. Hahn responded that the proposed Commission assignments can be approved, but some of this work is already underway. For example, the *outdoor fitness equipment* has already been budgeted. At this point, the need is to determine the appropriate location for it. The baby boomer plan strategic plan is already in process. With or without CSAC involvement, those projects are already in process. However, there are some that staff has not begun, such as the river trail and the geocaching mapping.

Mr. Keenan stated that perhaps a subcommittee of two or three Council members could either attend a CSAC meeting or meet with CSAC and empower them to do this work. Perhaps they do not believe they have the authority to carry it out.

Ms. Chinnici-Zuercher stated that the first step may be to meet with Mr. Hahn and discuss the projects -- not just these -- that staff is already working on, and if there is a role for CSAC to contribute, determine what that role could be. Also, to look at opportunities that CSAC could take a lead on and identify the type of skillset and knowledge the people should have who are being appointed to this Commission. A different type of skillset is needed if they are actually doing the work as opposed to providing input regarding projects that staff and professionals are handling.

Mrs. Boring stated that with the baby boomer strategic plan, the work would need to be done by people who work with senior citizens. If the analysis has already been completed and the needs identified, staff can begin to implement the plan. They can, however, ask the Commission to share their thoughts on that plan. With those projects that staff is already working on, CSAC review would be complementary.

Vice Mayor Salay stated that when she reviewed the recommendations, she thought it was a good mix of CSAC-initiated or driven items and collaboration with staff's work. Going forward, Council and staff can communicate the desire for them to do more in areas where they have some interest or expertise. Council can also discuss with staff what skillsets would be beneficial on the Commission, and then Council can recruit for members with those skillsets.



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Mr. Hahn stated that the next step for this list of recommendations is to distribute the tasks among the members, taking into consideration the members' interests and/or knowledge.

Mr. Keenan stated that he is interested in the DCRC space needs item. If there were alternative sites for basketball and volleyball, would it be possible to utilize those current spaces for other activities? It could be less expensive to expand the basketball and volleyball activities in another location versus constructing a second recreation facility.

Ms. Chinnici-Zuercher asked when a space needs analysis will be completed. Ms. Grigsby responded that funding for that study was programmed in 2014 in the Five Year CIP. The goal is to have some preliminary information on this before the CIP update for 2015 is begun.

Mrs. Boring stated that she learned recently that the lap pool is closed to residents and corporate residents every day from 3:30 – 5:30 p.m. due to programming for high school swim teams. It is important to consider the existing policy on this issue as soon as possible.

Ms. Grigsby noted that this lane scheduling policy has been in place for some time. The regular DCRC patrons are aware of the time when the lanes are reserved.

Ms. Chinnici-Zuercher noted that recently Council received an email related to this. Mr. Keenan stated that this is similar to soccer fields in terms of allocation of a limited resource. Council needs to determine the best way to do that.

Mrs. Boring responded that at some point it is important to determine who is responsible for what. The City cannot be responsible for meeting all of these needs. Council has received more comments from residents recently regarding their inability to use those swim lanes.

Mayor Lecklider asked if Council has any other issues with the proposed CSAC list of items. If not, it can be approved. Council members can follow up on the suggestion to attend CSAC meetings and share Council's input from tonight's discussion with the members.

Mr. Reiner asked if Mr. Hahn if the current members have the appropriate skillsets for the assignments.

Mr. Hahn responded that the current membership is relatively new. They have only met twice and addressed some clean-up work, but he is confident that they have the talent and skill to handle these assignments. The first step needed was to identify a list of assignments for them.

Mr. Reiner suggested that if an additional subcommittee is needed, staff should advise Council. There may be others in the community who have expertise in particular areas. Council would certainly endorse the additional support.

Mr. Hahn responded that at the next meeting, the Commission will organize their work based upon this approved list. At that point, the members' interests and skills can be determined regarding the various assignments.

Mrs. Boring stated that she has no objections to this list. However, in the CSAC minutes, there was some discussion about locations for different activities. When that topic is discussed, is a distinction made between passive parks and active parks, reaffirming Council's desire to protect the passive parks?

Mr. Hahn responded that when the Commission discussed the fitness areas, they discussed the base criteria that would be used in the site selection. His recollection is

they were interested in parks with adequate parking lots and a high level of activity zones.

Mayor Lecklider moved to approve the proposed CSAC Items of Interest.

Mr. Gerber seconded the motion.

Vote on the motion: Mrs. Boring, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mr. Reiner, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

## STAFF COMMENTS

- Bridge Street Corridor Update

Ms. Grigsby stated that a follow-up report was provided on the dais regarding the Bridge Street Corridor community forum that was held two weeks ago. An additional follow-up report also will be provided in the December meeting packet.

- Code of Conduct

Ms. Grigsby noted that information regarding the proposed Code of Conduct for board and commission members was provided in Council's packet as requested at the last meeting.

Ms. Chinnici-Zuercher noted that the intent was to approve this policy before the end of the year, so that it could be implemented in the recruitment for board and commission members in 2014. She assumes the first sentence of the policy should read "Advisory representative of the public, not to the public. The policy requires that the applicant, if appointed, will have to sign the document, indicating they are a registered voter, but it does not state that in depth. Clarification should be included that indicates that is also one of the expectations of a Code of Conduct. Finally, there is a statement that indicates, "I will not accept any compensation for my service to the City, other than what may be authorized by City Council, and I will not accept anything of value for performing my duties." How does this relate to items such as the Memorial Tournament tickets, items that are typically offered to board and commission members?

Ms. Readler responded that she would distinguish those as *de minimus*. The provision is seeking to limit third parties giving the board or commissioners items, not to limit the City itself. The Commissioners may accept *de minimus* gifts, because they do not fit within the definition of "anything of value."

Ms. Chinnici-Zuercher suggested that the verbiage be re-worked so that it does not seem to imply otherwise.

Ms. Grigsby responded that staff would clarify that this relates to entities outside of the City.

Mr. Keenan inquired when candidates first become aware that there are background checks. Is it included in the recruitment notice?

Ms. Clarke responded that beginning with the recruitment for the ARB vacancies this past spring, language was included in the notices about a required background check as part of the process.

Ms. Chinnici-Zuercher asked for clarification regarding the senior buddy volunteer program.

Ms. Grigsby responded that in the area of senior programming at DCRC, these volunteers work with seniors who need some type of assistance. Staff will make the requested modifications to the documents and provide a revised policy for Council approval at their next meeting.

- Update on Sub. HB 5 – Faye Gibson, Director of Taxation

Ms. Gibson stated that she has been involved in discussion concerning a municipal income tax bill for over two years. In retrospect, the bill proposed a few years ago – HB 601 - was better than the current proposed version. The municipal coalition provided input and draft language that they had hoped would be included in Sub.

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HB5, but that did not occur. There are some positive aspects of the bill that will benefit all cities:

- Standardized interest and penalties for all cities, which will result in a lower interest rate for Dublin;
- A standardized residency test to determine residency of a city versus some cities having to go to local boards of review regularly regarding people who are in and out of a city;
- Withholding and extension dates have been standardized. One of the requirements that may be included is if the resident is remitting more than \$100,000, it will have to be remitted the next day. For Dublin, that is two days earlier than what is currently required.
- The documentation required with a return has been defined, which will assist with compliance issues.

The items that are very detrimental to the City of Dublin are:

- The five-year mandated Net Operating Loss provision. Even though it is not scheduled to go into effect until 2017, with a five-year phase in, a committee has been set up to review the loss in revenue and then determine whether or not it will remain in law. The coalition had asked that the provision be removed and not codified, because it is expected that once it is included, it will not be removed.
- They have also changed the language for resident individuals on treatment of pass-through offsets, which is a huge detriment to the City. The way the language is now written, one will be able to offset all gains and losses, no matter where they occur. So if one has income in Dublin and a loss in Columbus, the loss in Columbus can be used to offset the income in Dublin.

Mr. Keenan asked how significant that could be in terms of a ballpark amount.

Ms. Gibson responded that this is new, so they don't really know what the effect might be. They know that the partnerships that report an income in Dublin now will likely not have income to report in the future, based on this change.

- There is also language in the bill that exempts Supplemental Employee Retirement Programs (SERPs). Currently, the SERPs are taxable as long as they are in qualifying wages. However, the current law is being litigated and therefore, the coalition had asked that it not be included. Once the Ohio Supreme Court rules, that is what must be followed in any case.
- On a consolidated tax return, a company can opt out after five years, but the City has no recourse to mandate that they stay in a consolidated return. What has been seen in areas other than Dublin is, because Ohio has a municipal income tax, companies that have more than one state location move all their expenses into Ohio. Therefore, they show no income in Ohio because they reflect all their corporate expenses in Ohio.
- The assessment procedure that this bill outlines is far more strenuous than what is currently done in Dublin, and basically requires that every request for information by the City to any taxpayer must be sent via certified mail. The cost is \$6.11 for each letter sent.
- The 12-day distinction for occasional treatment rule has been changed to 20 days. This is the period of time a non-resident may work without incurring tax liability to the municipality where they are performing the work.

She would not support the bill as written at this particular time, but it is Council's decision whether or not to support it. The coalition believes that with the hearings taking place tomorrow and Wednesday, the bill will be voted out of the House Ways and Means Committee, out on the floor next week, and it will be passed. She seeks Council's direction on how strenuously Council wants to oppose the bill.

Mr. Gerber stated that the bill will also need to be approved by the Ohio Senate, correct?

Ms. Gibson responded affirmatively.



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Ms. Chinnici-Zuercher stated that it was her understanding from Ms. Gibson's earlier reports and from some of the other groups with which she is involved, that throughout these hearings that have taken place throughout the State, the Committee chairs had indicated that they were in agreement with the coalition's suggestions and would make the respective changes with the substitute bill. It seems that is not what has occurred.

Ms. Gibson responded that over the last few months, they have worked extensively with Representative Beck on an alternate bill. They drafted an entire bill that was revenue neutral, had no tax increases, and minimal loss of revenue to any city or village in Ohio. Having given that bill to Rep. Beck, they were surprised when they went to the press conference to learn that the substitute bill was nothing like what they had discussed. She believes the substitute bill is more detrimental than the original bill.

Mr. Gerber stated that he believes that Council should voice their objection. He does not like what may occur with the pass-through entities, but he has a greater concern with the consolidated returns and expenditures, as there will be forum shopping. Dublin needs to hold its ground. The fight will now be at the Senate, and the City does have some contacts in place to work with there.

Ms. Gibson stated that there is a need to develop a strategy. The City of Columbus is drafting a letter of opposition that will be given to the House Ways and Means Committee tomorrow. All of the major cities are opposed. She is not aware of any city that supports this bill.

Mr. Reiner inquired what would be the most effective method of opposition for Council.

Ms. Gibson responded that each Council member needs to contact their House and Senate representative, and the City needs to develop a strategy. Passing a Resolution of Opposition would be appropriate, as well. She believes the City Manager of Dayton is organizing a joint effort of the big cities as a forum of opposition. Every city and village was aware that uniformity on this issue was necessary, and they had succeeded in creating a good bill. There was a lot of negotiation, but it went well. Now, Dublin needs to let its representatives know that the cities cannot afford another financial hit. Dublin will be able to absorb it more so than many of the other cities, which are in a worse financial position. It is likely that in a couple of years, many of the small cities and villages will be in fiscal emergencies.

Mr. Reiner inquired if a resolution is needed.

Ms. Gibson responded affirmatively.

Ms. Chinnici-Zuercher inquired if it is possible to have that done quickly. In addition, talking points would be helpful.

Ms. Gibson responded that she started working on those today.

Mr. Keenan inquired if Council could adopt the resolution at Wednesday's meeting.

Ms. Grigsby responded that there a seven-day notice is required before adoption of legislation. The resolution could be adopted at the November 18 Council meeting.

Mr. Reiner thanked Ms. Gibson for her efforts on behalf of the City; they are greatly appreciated.

Ms. Chinnici-Zuercher stated that the House will have already voted on the bill before November 18.

Mr. Gerber asked if the City is working with its local representatives, as well.

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Ms. Gibson responded affirmatively. She speaks with them frequently. However, she is not an elected official. Council has far more ability to influence them than she does. Ms. Chinnici-Zuercher stated that talking points are an important tool for Council to have.

Vice Mayor Salay inquired if this would be a good topic for the City Manager's column, helping to make the citizens more aware of what their state legislators do. It would be helpful, as well, for Dublin's legislators to hear from the citizens. Is uniformity the goal of this legislation?

Ms. Gibson responded that it began as uniformity, but it became "carve outs" for special interests. Whether or not citizens support the municipal income tax system, that is Ohio's design. It is not possible to change that at this point, so everyone must work within the existing framework. They proponents of Sub. HB5 argue that this is important for economic development purposes, but cities must be viable or economic development is a moot point. Immediately after the bill was introduced, she pointed out that it would bring no revenue gain for cities, but instead significant losses. The response to her was that cities could always raise their tax rates or reduce their tax credit.

Ms. Chinnici-Zuercher stated that is one of her concerns. Over the past few years, local governments have experienced significant cuts through the Local Government Fund and in other areas. The City knows what services it is responsible for providing to its residents, including corporate residents, and the cost of doing so. There are limited options for other means to provide that level of service when the revenue is reduced. The citizens need to understand that part of the state taxes they were paying was previously sent back to the local government to use. The article needs to educate people on the fact that those monies are now being retained and used by the state. Dublin now must determine how to replace those funds.

Mr. Reiner stated that this information needs to be provided in a news editorial in the three local daily newspapers, to make Ohio citizens aware of the situation. An educational effort needs to be made to provide the information to the taxpayers.

**COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE**

Mr. Reiner stated that Dublin resident O.H. Koeplin has asked him to convey to Council that the organization "Wreaths Across America" would like to have a presence in Ohio. This is a national non-profit organization founded in 2007. Its initial effort was to lay wreaths on the graves of veterans within the Arlington National Cemetery. This effort will result in no expense to the City, and Council's support for this effort is requested. The ceremonies occur the second Saturday in December at noon. Mr. Koeplin is also working to secure bagpipers and the Air Force honor guard for the event. They estimate there are 268 veterans buried in the City's cemeteries. Council members are invited to attend the ceremonies. He thanked Mr. Koeplin for his efforts to organize the service member recognition in Dublin.

Ms. Chinnici-Zuercher:

1. Inquired if a follow-up report on the soccer use policy would be provided to Council.

Ms. Grigsby responded that a report would be provided at the November 18 Council meeting.

2. Asked if Legal could respond to the issues raised in Mr. Close's letter to Council. Ms. Readler responded she just received the letter this evening. It refers to an administrative appeal of a decision made by the Director of Land Use and Planning interpreting an existing use. There is a requirement that all documents be submitted prior to the hearing. There is a Code section that limits the evidence to that which was considered by the original decision-making body. She was not the legal representative

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who attended that hearing. Legal staff believes the City has complied with all procedural rules and that the decision would have been upheld, if it had been appealed. A more comprehensive response to the letter will be provided.

Mr. Gerber responded that he would like to view that response, as well. When he read the letter, he was concerned about the burden of proof. The underlying issue is with respect to what has been grandfathered. Two years ago, Council discussed providing for the continuation of the uses of existing businesses within the Bridge Street Corridor. Reading the minutes of the meeting, it appeared that perhaps staff was attempting to expand what Council had provided for in that area. He would like to have a list of those existing businesses that were grandfathered.

3. Inquired about the BZA case regarding the Shoppes at Athenry, specifically the Dairy Queen issue. It appears that the City is changing its direction, indicating that it does not want the businesses that have existed in this location previously. The City is denying Dairy Queen's application, categorizing it as a fast food, although the City had previously approved ice cream and candy businesses in this location. These are businesses that function the same as Dairy Queen. She is confused about why the City is taking this particular stance.

Ms. Readler responded that the definition of fast food is the issue. The City has struggled with this definition in determining what uses are approved with the new applications in the center. Staff has relied upon the most common definition for fast food. No appeals have previously been filed. It was Legal staff's opinion that the City has a defensible position.

Mr. Keenan stated that he noticed this, as well. In reading the material, he was concerned about the rationale. The "five percent hot dogs, remaining amount ice cream, no fryer, no grill" did not appear to constitute fast food to him. Personally, he would have supported a Dairy Queen in this location.

Ms. Chinnici-Zuercher asked why this was considered differently than the existing pizza business in the center. It appears that the City is now changing its definition.

Ms. Readler responded that the City cannot reverse its previous decisions regarding businesses in the shopping center. It can only attempt to use the definition and previous direction appropriately going forward. Given some of the previous discussions about some of the existing uses and the residents' objections concerning those businesses, staff attempted to take a more conservative approach.

Ms. Chinnici-Zuercher responded that the residents, however, object to the fact the Shoppes are in this location. Therefore, the residents will object to any businesses that want to locate in the center. Although they would prefer the center did not exist, it has been there for years and will continue. She understands that another restaurant will be locating in this center. However, she does not believe the City have fairly applied the rules, and she believes the decision should be re-considered. The City is now indicating that its definition of fast food is not the same as it was two, five and ten years ago.

Mr. Gerber agreed. Fast food businesses typically involve fryers – that is not what this business is about.

Mrs. Boring asked at what point this could be controlled, if the business begins to serve hamburgers and French fries.

Ms. Chinnici-Zuercher stated that is addressed in the application. Although there are different types of Dairy Queen models, the applicant is choosing this type for this site. Mayor Lecklider stated that he has reviewed these definitions many times through the years. He appreciates the points they have made. Certainly, it would be optimal to go back in time and write the definitions more clearly. However, he believes that it is possible to read the definitions and regulations with respect to this particular center and reasonably interpret that the intent is to limit the use to sit-down restaurants. He believes that is what was envisioned when the center was first developed. But for whatever reason, there are now two pizza delivery shops in the center, and that was not what was envisioned by the Planning and Zoning Commission, City Council and



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the residents at the time it was developed. Further, he does not believe this is the direction the City wants to take long-term.

Vice Mayor Salay stated that she appreciated staff's conservative interpretation. The zoning text states that there will not be fast food. There is a definition in place that the City is relying upon, and she believes that is the appropriate direction to take. Sit-down restaurants are generally not problematic for the neighboring residents; however, the pizza and fast food operations are problematic. She appreciates staff's interpretation and believes the decision made was correct and in the best interests for that neighborhood.

Ms. Chinnici-Zuercher stated that obviously there are differing opinions.

Mr. Keenan agreed. He believes there is more smoke, odor and noise emanating from a sit-down restaurant. With this business, there would be no grill or fryer, but it seems a moot point now.

Ms. Grigsby stated that only a rezoning could modify the text that permits various uses in the center. The existing zoning text does not permit a fast food restaurant.

Ms. Chinnici-Zuercher stated that she like to review the definition of fast food. To her, a Dairy Queen serving ice cream is not "fast food." Fast food includes restaurants such as Wendy's, McDonald's, and Burger King – drive-through businesses.

Mr. Readler stated that there was another issue related to the definition of an ice cream store. They were attempting to fit it in as a "permitted use." The interpretation of an ice cream store was not consistent with what the applicant was prepared to sell, which was mainly pre-packaged ice cream.

Ms. Chinnici-Zuercher responded that this issue was not reflected in the minutes.

4. Asked about the outcome of the October 29 Coffman Road fence meeting.

Ms. Readler responded that a representative from Parks discussed the preliminary landscaping plan and the trail. Ms. Crandall was also present. A draft easement was prepared to accommodate temporary construction, which would permit the City in some circumstances to remove the fence and install landscaping. Approximately seven residents attended the meeting and indicated they would take the information back to their civic association.

Mrs. Boring:

1. Stated that she understands that the soccer discussion is scheduled for the next Council meeting. She has some questions that she would like staff to be prepared to respond to at that time, including how the usage of the fields and scheduling will be handled. She would like those issues addressed during the discussion at the next meeting.

Ms. Grigsby stated that staff believes that the solution as proposed, and the information that was included in this packet, will address the issue. Discussion will be scheduled for the November 18 Council meeting.

Mrs. Boring responded that will be her last meeting and her last opportunity for input on the issues.

2. Stated that she is disappointed that the Water and Sewer Extension Policy has not been brought forward prior to her completion of service on Council.
3. She noted that it was her understanding that with the Bridge Street Corridor, there would be a study commissioned to demonstrate the appropriate location for a convention center.

Ms. Grigsby responded that those discussions are ongoing. There is a meeting next week with a consultant, City staff and Mr. Dring of the Dublin Convention and Visitors Bureau.

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Mrs. Boring noted that she is pleased to hear this, as the proposed location of a hotel and convention center site is a contentious issue for her constituents.

4. Stated that the City also needs to review the issue of group homes, considering the controversy and the tragedy that occurred this past week. The guideline is "five or less" residents, and the question is how this relates to the definition of a home business. This is certainly a business.

Ms. Readler responded that the Ohio Revised Code categorizes group home uses as permitted uses. They have to be treated as a single-family residential use, and they would not be subject to any other permitting requirement as far as zoning. That would include a home occupation permit.

Mrs. Boring asked if the ORC overrides the City's home rule authority.

Ms. Readler responded that it does.

Mrs. Boring inquired if there are any measures that can be taken to prevent a situation similar to what occurred in the Westerville/Columbus area.

Ms. Readler responded that the lawmakers could be lobbied by the City to change the law.

Mr. Keenan:

1. Asked for Council's consideration to schedule the Health Insurance and Workers Compensation discussion for the first budget hearing versus the second. He will be out of town for the second meeting, and would like to be present for that discussion.

Ms. Grigsby responded that if Mr. Whittington is available for the November 6 hearing, that item can be moved to the first meeting.

Mr. Gerber introduced the proposed addition of veteran name Sgt. Cicero Davis to the KIA Memorial. A memo on this recommendation was included in Council packets. Staff has been following up on a lead that Sgt. Cicero Davis of Co. H, 46<sup>th</sup> Ohio Infantry passed away due to wounds received in conflict at the Battle of Jonesborough, GA in September of 1864. Sgt. Davis was born in Dublin, Ohio. This information has been confirmed. Inclusion of his name on the KIA memorial would be consistent with the City's policy.

Mr. Gerber moved to add the name of Sgt. Cicero Davis to the City's KIA memorial.

Mr. Keenan seconded the motion.

Vote on the motion: Mr. Keenan, yes; Mr. Gerber, yes; Mr. Reiner, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Ms. Chinnici-Zuercher, yes; Mayor Lecklider, yes.

Mrs. Boring encouraged everyone to go to the polls and vote tomorrow.

**ADJOURNMENT**

The meeting was adjourned at 9:32 p.m.

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Mayor – Presiding Officer

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Clerk of Council